

ORDINANCE NO. 11-72

ORDINANCE CONFIRMING AND APPROVING THE ANNUAL CONSUMER PRICE INDEX (CPI) ADJUSTMENT OF WATER AND SEWER RATES PURSUANT TO HIALEAH CODE § 94-153(c), IN THE AMOUNT OF 3.6% DESIGNATED "CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS (CPI)" AS ISSUED BY THE BUREAU OF LABOR STATISTICS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the City finds that it is in the best interest to recoup and defray the increases that the City will continue to pay Miami-Dade County for the purchase of its water and the disposal of its wastewater through a CPI increase and rate increases; and

**WHEREAS**, pursuant to Hialeah, Fla., Ordinance 06-45 (Aug. 23, 2006) as amended by Hialeah, Fla., Ordinance 11-27 (June 3, 2011), the City of Hialeah revised the Hialeah Code to provide for an annual Consumer Price Index (CPI) adjustment of water and sewer rates as determined by the amount of the annual increase in the index numbers of retail commodity prices designated "Consumer Price Index For All Urban Consumers (CPI) as issued by the Bureau of Labor Statistics, United States Department of Labor.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The City of Hialeah, Florida hereby confirms and approves the annual Consumer Price Index (CPI) adjustment of water and sewer rates pursuant to Hialeah Code § 94-153(c), in the amount of 3.6% designated "Consumer Price Index for All Urban Consumers (CPI)" as issued by the Bureau of Labor Statistics.

**Section 2: Repeal of Ordinances in Conflict.**

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 3: Penalties.**

Any person, business, association, corporation, partnership or other legal entity who violates any of the provisions of this ordinance shall be assessed a civil penalty, up

to a maximum of \$500.00, within the discretion of the court or administrative tribunal having jurisdiction. Each day that a violation continues shall constitute a separate violation.

**Section 4: Severability Clause.**

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

**Section 5: Effective Date.**

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.


PASSED and ADOPTED this 28th day of September, 2011.


THE FOREGOING ORDINANCE  
OF THE CITY OF HIALEAH WAS  
PUBLISHED IN ACCORDANCE  
WITH THE PROVISIONS OF  
FLORIDA STATUTE 166.041  
PRIOR TO FINAL READING.

  
Isis Garcia-Martinez  
Council President

Attest:

Approved on this 30 day of SEPT, 2011.

  
David Concepcion, Acting City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Yedra voting "Yes".